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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,949	12/28/2000	Juergen Kockmann	00 P 9128 US	8563
7590	02/23/2005		EXAMINER	
Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830			TSE, YOUNG TOI	
		ART UNIT	PAPER NUMBER	
		2637		
DATE MAILED: 02/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/751,949	KOCKMANN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	YOUNG T. TSE	2637

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-15 is/are rejected.

7)  Claim(s) 16-19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 October 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 120204.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed October 22, 2004 have been fully considered but they are not persuasive.

The Applicants argue that W099/09678 relates to determining opportune times for when to make a change in carrier frequency. More particularly, W099/09678 makes use of inactive time slots to perform a carrier frequency change. W099/09678 does not, however, determine how long a particular frequency may be used based on durations of active time slots, as generally recited in the claims at issue.

W099/09678 makes both use of active time slots and inactive time slots to perform a carrier frequency change, which determines how long a particular frequency may be used based on durations of active time slots, not only use the inactive time slots to perform a carrier frequency change as argued by the Applicants.

W099/09678 merely teaches that the change from one carrier frequency to another for a subsequent time slot requires a predetermined time period in the order of magnitude of one time slot, and the data is transmitted in two successive active time slots followed by an inactive time slot in which no data are transmitted. See column 1, lines 11-16.

Clearly, Figures 3 and 4 shows how to identify the active time slots in a frame. Although W099/09678 does not explicitly suggest the determination of how long a particular frequency may be used based on durations of active time slots. Inherently,

after a number of active time slots has been identified in Figures 3 and 4 and each active time slot has a duration of 833 microseconds. It is easy to recognize by a person skill in the art to determine how long a particular frequency may be used based on the durations of active time slots.

### ***Drawings***

2. The drawings were received on October 22, 2004. The replacement sheet of Figure 1 is acceptable. However, the replacement sheet of Figure 4 does not include Figures 4A-4D as shown in the original figures and discussed in the specification. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: on page 4, line 7, "ISM" is undefined; on page 5, lines 29-30, the phrase "If only the active slots 401d-401d, and not the inactive interval period, ..." is not understood; on page 6 (lines 24, 25 and 30), "slot monitor" should be "slot monitor module"; and on page 8, lines 3

and 11, "slot monitors" and "modules 506 and 504" should be "slot monitor modules" and "modules 506 and 506a", respectively. Appropriate correction is required.

***Claim Objections***

4. Claims 16-19 are objected to because of the following informalities:

In claim 16, line 2, "a slot monitor" should be "a slot monitor module".

In claim 17, line 2, "said frame comprises about ten milliseconds" should be "said frame has a duration about ten milliseconds". Also see claims 2, 6, 10, and 13.

In claim 18, line 2, "each having duration 833 microseconds" should be "each having the duration of 833 microseconds". Also see claims 3, 7, 11 and 14.

Applicants are suggested to modify the claimed subject matter of claim 19 similar to the language discussed on page 4, lines 11-13 of the specification in order to clarify the present invention. Also see claims 4, 8, and 15.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/09678 (Applicants note the language in the WO 99/09678 is not in English, however,

the corresponding US Patent No. 6,434,183 B1 claims the priority of the WO 99/09678, the explanation below is based on the US Patent No. 6,434,183 B1).

Kockmann et al. (US Patent No. 6,434,183 B1) discloses an arrangement in Figure 1 for digital communication of data between a fixed station 1 and mobile stations 2 and 3 at one of a plurality of carrier frequencies  $f_1$  and  $f_2$ . The data being transmitted in time slots in a frame from Z1-F24 is shown in Figure 2 and from Z1-Z12 is shown in Figures 3 and 4 using frequency hopping/time division multiplex method.

With respect to claims 1, 5, 9 and 12, as shown in Figures 3 and 4, the active time slots (shaded blocks) are identified in each frame of the time slots Z1-Z12. Inherently, after the active time slots have been identify, it is available to determine the duration of the carrier frequencies of the active time slots (column 5, lines 24-40 and 52-65).

With respect to claims 2, 6, 10 and 13, the total frame length takes 10 milliseconds for the fixed station or the mobile stations to transmit or receive (column 2, line 6 and column 5, lines 1-4).

With respect to claims 3, 7, 11 and 14, each of the time slots having duration of 833 microseconds is discussed in column 6, lines 1-7.

With respect to claims 4, 8 and 15, Although Kockmann does not explicitly show or suggest limiting a use of a particular carrier to less than 400 milliseconds every thirty seconds. The limitation of the particular carrier is standard and well known in a digital enhanced cordless telecommunication (DECT) as described on page 1, line 29 to page

2, line 9 of the instant application and in the description of the related art of Kockmann's patent.

***Allowable Subject Matter***

7. Claims 16-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show or suggest that a fix station includes a frequency select module and a slot monitor module in communication with a mobile station during a frequency hopping scheme with frequencies chosen by the frequency select module with input from the slot monitor module, therein the slot monitor module provides the frequency select module with a count of a number of active slots being sent per frame.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

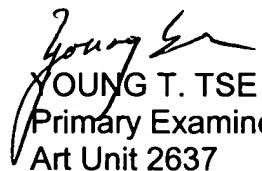
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday and Wednesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2637